

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)	Examiner: Not Assigned
Fred H. Burbank et al.)	Group Art Unit: Not Assigned
Serial No: Not Assigned)	Customer No.: 25213
Filed: August 13, 2001)	
For: BREAST BIOPSY SYSTEM AND METHODS)	
Docket No.: 26684-1001)	<u>REQUEST FOR FILING A DIVISIONAL APPLICATION UNDER 37 C.F.R. §1.53(b)</u>

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09/929371
08/13/01

Express Mail Label No.: EL 731 830 815 US

Mailed on: August 13, 2001

BOX PATENT APPLICATION

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/057,303, filed April 8, 1998, of Fred H. Burbank, Michael L. Jones, and Paul Lubock, for **BREAST BIOPSY SYSTEM AND METHOD**.

1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

/X/ the same.

/ / less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. / X / The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:

/ X / amendment below; and

/ X / attached Preliminary Amendment.

FILING FEE CALCULATION

Description	Claims	Extra	Rate	Fee Code	Fee
Basic Filing Fee				201	\$355
Independent Claims	3 - 3=	0 x	\$40 =	202	0
Total Claims	17 -20=	0 x	\$ 9 =	203	0

Total Filing Fee \$355

4. Payment of Filing Fees:

/ X / A check in the amount of \$355, is enclosed herewith.

/ X / The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 08-1641, referencing Docket No. 26684-1001. **A duplicate copy of this paper is attached.**

5. Please amend the specification by inserting on before the first line --This application is a divisional of copending application Serial No. 09/057,303, filed April 8, 1998, which is hereby incorporated herein by reference.--.
6. Please cancel in this application claims 1-16, 29 and 34-39 from prior copending application Serial No. 09/057,303, filed April 8, 1998.
7. The prior application is assigned of record to: SenoRx, Inc.
8. The power of attorney in the prior application is to: Edward J. Lynch
- / X / The power appears in the original papers in the prior application.
- / / A Power of Attorney and Revocation of Prior Powers is enclosed.

9. Please address correspondence in this matter to:

Edward J. Lynch
Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506

10. Documents enclosed:

/X/ Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed;

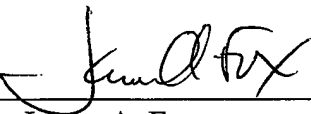
/X/ Preliminary Amendment;

/X/ Information Disclosure Statement and Form PTO-1449;

/X/ Check in the amount of \$355; and

/X/ Return Receipt Postcard.

Respectfully submitted,

By: 
James A. Fox
Attorney for Applicants
Registration No. 38,455

Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506
Contact Edward J. Lynch
Direct Dial: (650) 324-7098
Telephone: (650) 324-7000
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In re the Application of)	Examiner: Not Assigned
Fred H. Burbank et al.)	Group Art Unit: Not Assigned
Serial No: Not Assigned)	Customer No.: 25213
Filed: August 13, 2001)	
For: BREAST BIOPSY SYSTEM AND METHODS)	Submission of Formal Drawings
Docket No.: 26684-1001)	

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Commissioner for Patents
Washington, D.C. 20231
Attn.: OFFICIAL DRAFTSMAN

Dear Sir:

Enclosed herewith are eleven (11) sheets of formal drawings in connection with the above-identified application.

Respectfully submitted,

By: *James A. Fox*
James A. Fox, Ph.D.
Registration No. 38,455

Dated: *August 13, 2001*

Heller Ehrman White & McAuliffe LLP
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